

May 6, 1999

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Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals II
445 12th Street, SW
TW-A 325
Washington, DC 20554

RECEIVED

MAY 10 1999

FCC MAIL ROOM

Dear Secretary Salas:

I am enclosing an original and four copies of a Petition For Rulemaking regarding Whitewood, South Dakota.

I am also enclosing another copy of the petition so that it may be stamped, dated and returned to me. A S.A.S.E. is also enclosed for the return.

Please file this petition before the Federal Communications Commission on behalf of La Niña Education Association.

Thank you for your attention to this matter.

Sincerely,

Heidi Olivares
Member
La Niña Education Association
3802 Dawn Road, #A
Madison, WI 53704
(608) 249-5161

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

RECEIVED

IN THE MATTER OF:

MAY 10 1999

AMENDMENT OF SECTION 73.202(B),
TABLE OF ASSIGNMENTS,
F.M. BROADCAST STATIONS.
(WHITEWOOD, SOUTH DAKOTA)

FCC MAIL ROOM

RM-

TO: THE COMMISSION

PETITION FOR RULEMAKING

La Niña Education Association hereby Petitions the Federal Communications Commission in Washington, D.C., to amend the Table of FM Allotments, Section 73.202(b) of the Commission's Rules and Regulations in the following manner:

Community:

Existing:

Proposed:

Whitewood, SD

None

288A

In support of this PETITION FOR RULE MAKING to allot FM Channel 288A to the City of Whitewood, South Dakota, La Niña Education Association, the Petitioner, respectfully submits the Engineering Statement prepared by Lyle

Robert Evans, Technical Consultant, attached hereto as Appendix I.

Inasmuch as Whitewood, South Dakota, residents shall be provided a first local aural service, La Niña Education Association, the Petitioner, concludes its proposed Rule Making is in the "Public Interest."

The allotment of FM Channel 288A (105.5 MHz.) To the City of Whitewood, is in full accord with Commission Rules and Regulations, and Assignment Policy.

Whitewood, South Dakota, (Population 891), in Lawrence County (Population 22,900), per the 1990 Census, is an incorporated city.

Whitewood is administered by a Mayor and six councilmen elected by city residents.

Whitewood has its own police department, municipal water and sewer system, fire station, volunteer fire department, municipal library, post office and three churches of various denominations.

Whitewood has a public school (K-6) and is a principal member of the Sturgis District 46-1.

Whitewood's significant business and professional community provides goods and services to a vast geographic area.

If the Commission goes forward to Amend 47 Code of Federal Regulations §73.202(b), to allot FM Channel 288A to Whitewood, as petitioned, La Niña Education Association shall immediately file an Application For Construction Permit For An FM Broadcast Station (FCC Form Number: 301), specifying facilities to activate FM Channel 288A, as allotted to the community of Whitewood.

Upon Commission "Grant" of such a Form 301 Application, La Niña Education Association shall promptly construct and subsequently license the permitted facility.

In accord with 47 Code of Federal Regulations §1.52, I, Heidi Olivares, member of La Niña Education Association, hereby certify I participated in preparation of this entire document and that to the best of my knowledge, it is my belief that the information is true and correct, that there is good ground to support it, and that it is not interposed for delay.

Respectfully submitted,

La Niña Education Association

May 3, 1999

Heidi Olivares
Member

Heidi Olivares
La Niña Education Association
3802 Dawn Road, #A
Madison, WI 53704
(608) 249-5161

PETITION FOR RULE MAKING; CONCLUDED

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

ENGINEERING STATEMENT

IN THE MATTER OF:)	MM DOCKET NO:
)	
AMENDMENT OF SECTION 73.202(B),)	RM-
TABLE OF ALLOTMENTS,)	
F.M. BROADCAST STATIONS,)	
(WHITEWOOD, SOUTH DAKOTA))	

TO:

CHIEF, ALLOCATIONS BRANCH
POLICY AND RULES DIVISION
MASS MEDIA BUREAU

PREPARED FOR:

La Niña Education Association

MAY 3, 1999

PREPARED BY:

LYLE ROBERT EVANS
BROADCAST CONSULTANT
2470 CROOKS AVENUE
KAUKAUNA, WISCONSIN, 54130-3914
(920) 687-0722

PETITIONER: La Niña Education Association
Proposed FM Ch. 288A Allotment
City of Whitewood, SD PREPARED 05/03/99

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1. AFFIDAVIT OF PREPARER
2. ENGINEERING STATEMENT: Pages 1 thru 4
3. ATTACHMENT E-A; CHANNEL 288A DISTANCE SEPARATION STUDY
WHITEWOOD REFERENCE COORDINATES

TABLE OF CONTENTS; CONCLUDED

THIS PORTION OF THIS PAGE INTENTIONALLY BLANK.

**STATE OF WISCONSIN)
COUNTY OF OUTAGAMIE)
CITY OF KAUKAUNA)**

LYLE ROBERT EVANS, BEING FIRST DULY SWORN STATES:

**THAT HE IS A ELECTRONIC COMMUNICATIONS TECHNICAL
CONSULTANT WITH OFFICES AT 2450 CROOKS AVENUE, KAUKAUNA,
WISCONSIN, 54130;**

**THAT HIS QUALIFICATIONS AS AN EXPERT IN ELECTRONIC
COMMUNICATIONS ENGINEERING ARE A MATTER OF RECORD WITH
THE FEDERAL COMMUNICATIONS COMMISSION IN
WASHINGTON, D.C.;**

**THAT HE HAS PREPARED NUMEROUS AM, FM, MICROWAVE RADIO,
TELEVISION AND TRANSLATOR APPLICATIONS WHICH HAVE BEEN
PROCESSED TO GRANT BY THE FEDERAL COMMUNICATIONS
COMMISSION;**

**THAT THE FOREGOING TECHNICAL REPORT WAS PREPARED BY HIM,
AND ALL CALCULATIONS AND/OR MEASUREMENTS AND
EXHIBITS IN THE ACCOMPANYING REPORT WERE MADE BY HIM
PERSONALLY OR UNDER HIS DIRECTION, AND THAT ALL FACTS
CONTAINED HEREIN ARE TRUE OF HIS PERSONAL KNOWLEDGE OR
BELIEF, AND ON SUCH STATEMENTS MADE ON BELIEF, THEY ARE
BELIEVED TO BE TRUE AND CORRECT.**

LYLE ROBERT EVANS, AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 03'rd DAY OF MAY, 1999

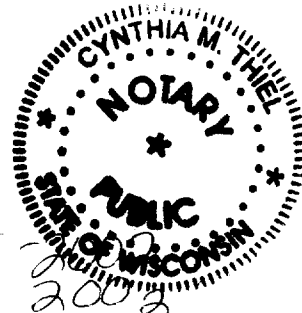


NOTARY PUBLIC

Outagamie County, Wisconsin

DATE OF COMMISSION EXPIRATION:

May 5 2002



BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20054

IN THE MATTER OF:)	
)	
AMENDMENT OF SECTION 73.202(B),)	RM-
TABLE OF ASSIGNMENTS,)	
F.M. BROADCAST STATIONS.)	
(WHITEWOOD, SOUTH DAKOTA))	

TO: THE COMMISSION

ENGINEERING STATEMENT

This Engineering Statement concerns the above captioned Petition for Rule Making, to which this Statement is Appendix I.

La Niña Education Association, the Petitioner, retained the services of Lyle Robert Evans, Technical Consultant, to conduct engineering studies and prepare necessary Statements and Attachments to support the Petition for Rule Making of La Niña Education Association to amend 47 Code of Federal Regulations §73.202(b), Table of FM Allotments, to allot FM Channel 288A (105.5 MHz.) To the City of Whitewood, South Dakota, as that community's first local aural broadcast service.

The City of Whitewood, South Dakota, reference geographic coordinates, specified in the National Atlas of the United States of America,

WHITEWOOD, SOUTH DAKOTA
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF FM ALLOTMENTS
FM CHANNEL 288A; 105.5 MHz.
PETITIONER: La Niña Education Association

published by the United States Department of the Interior Geological Survey
are:

44°-27'-42" North Latitude, 103°-38'-30" West Longitude.

Attachment E-A to this Engineering Statement, an FM Channel 288A Distance Separation Study conducted with a search radius of 320 kilometers, with the City of Whitewood reference coordinates as base, sets forth all FM Broadcast Station assignments, applications and allotments relating to an allotment of FM Channel 288A at Whitewood, South Dakota, with distance in kilometers and bearing in degrees True from the city reference coordinates.

This attachment E-A displays an allotment of FM Channel 288A to Whitewood, South Dakota in complete compliance with all applicable minimum distance separation requirements set forth in 47 Code of Federal Regulations §73.207.

Many transmitter sites exist from which the requisite "Principal Community" (70.0 dBu or 3.16 mV/m Contour) coverage can be provided to the entire City of Whitewood, South Dakota.

CONCLUSION

Allotment of FM Channel 288A to Whitewood, South Dakota, can be

WHITEWOOD, SOUTH DAKOTA
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF FM ALLOTMENTS
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accomplished with no channel substitutions or antenna/tower (transmitter location) site restrictions.

No multiple community "tinkering with the table" is required to allot FM Channel 288A at Whitewood, South Dakota.

La Niña Education Association proposed allotment of 47 Code of Federal Regulations §73.202(b), Table of FM Allotments, shall provide residents of Whitewood and vicinity a first local aural broadcast transmission service.

The most recent applicable FCC Rules and Regulations have been used in the preparation of this Engineering Statement. It is believed to conform to the Commission's Technical Standards.

Respectfully submitted,

Lyle R. Evans
Technical Consultant to:
La Niña Education Association

May 3, 1999

Lyle Robert Evans
Technical Consultant
2470 Crooks Avenue
Kaukauna, WI 54130-3914
(920) 687-0722

Engineering Statement; Concluded

ATTACHMENT E-A

PAGE 1 OF

FM CHANNEL 288A DISTANCE SEPERATION STUDY

LOCATION: WHITEWOOD, SOUTH DAKOTA
SERVICE: COMMERCIAL FM
CHANNEL: 288
FREQUENCY: 105.5 MHz.
ZONE: II
CLASS: A
COORDINATES: 44°-27'-42" N.L., 103°-38'-30" W.L. (PROPOSED SITE COORDINATES)
APPLICANT: LA NIÑA EDUCATION ASSOCIATION
CALL SIGN: NONE
FCC FILE NO: NONE
DATE: MAY 03, 1999

CALL STATUS	CITY STATE	FCC FILE	CHAN. FREQ.	ERP (KW) HAAT (M)	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST. (KM.)	REQ. (KM.)
KAWK (FM)	CUSTER		232C3	7.00	43-44-41	170.8	80.69	75.0
LIC	SD	BLH-970925KD	105.5	400.00	103-28-52		5.69	CLEAR

-----END FM CHANNEL 288A DISTANCE SEPERATION STUDY-----